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Arizona Corporation Commission

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DEC 19 2014

Attorneys for the Town of Fountain Hills

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS**BOB STUMP, Chairman****GARY PIERCE****BRENDA BURNS****BOB BURNS****SUSAN BITTER SMITH**

ORIGINAL

IN THE MATTER OF THE TOWN OF
FOUNTAIN HILLS' FORMAL
COMPLAINT AGAINST CHAPARRAL
CITY WATER COMPANY.

Docket No. W-02113A-14-0359

**REPLY TO CHAPARRAL CITY
WATER COMPANY'S RESPONSE
TO RUCO'S MOTION TO
INTERVENE**

The Town of Fountain Hills ("Town") submits its Reply to Chaparral City Water Company's ("CCWC") Response to RUCO's Motion to Intervene.

CCWC's request to deny RUCO's Application to Intervene should be denied. Contrary to CCWC's contention in its Response, the Town is not representing the numerous individual rate payers who have complained about CCWC's unreasonable and unconstitutional rates and charges. As stated in the first line of the Formal Complaint, the Complaint was filed by the Mayor and Town Council of the Town of Fountain Hills only.

64 rate payers have complained to the Commission about CCWC's unreasonable rates and charges. *See* Docket No. W-02113A-13-0118. Under A.R.S. §40-246(A), only 25 rate payers are required to initiate a complaint against a public service corporation concerning the reasonableness of its rates and charges. As CCWC's Response states, "RUCO was created to protect the interest of the rate paying public." RUCO's intervention in this proceeding is necessary to protect the interests of a significant number of CCWC's rate payers who have complained about CCWC's unconstitutionally unreasonable rates and charges.

CCWC's Response fails to even address the relevant Commission Rule on Intervention and fails to establish that RUCO and the rate payers it represents are not "directly and substantially affected by the proceedings . . ." *See* R14-3-105. Moreover, CCWC fails to establish that "the issues theretofore presented will be unduly broadened . . ." by RUCO's intervention. *See* R14-3-105. RUCO's intervention will narrow and focus the issues, because the 64 complaining rate payers' interests will be represented by RUCO. CCWC's Response should be seen for what it is—a deliberate attempt to deprive rate payers of their representative and voice at the Commission, so CCWC may continue to impose its unreasonable rates and charges. CCWC's Response should be denied and RUCO's Application to Intervene should be granted.

DATED this 19th day of December, 2014.

GUST ROSENFELD P.L.C.

By: /s/ Andrew J. McGuire
David A. Pennartz
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 Attorneys for Town of Fountain Hills

1 ORIGINAL AND THIRTEEN COPIES
2 of the foregoing filed this 19th day
3 of December, 2014 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington
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5 COPY of the foregoing mailed
6 this 19th day of December, 2014 to:

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